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| APPLICATION NO.         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/645,933              | 08/25/2000  | John R. Ellis        | 06543-020002        | 4134             |
| 24573                   | 7590        | 12/13/2005           |                     |                  |
| BELL, BOYD & LLOYD, LLC |             |                      | EXAMINER            |                  |
| PO BOX 1135             |             |                      | TRUONG, LECHI       |                  |
| CHICAGO, IL 60690-1135  |             |                      | ART UNIT            | PAPER NUMBER     |
|                         |             |                      | 2194                |                  |

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/645,933             | ELLIS ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | LeChi Truong           | 2194                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 September 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 52-54 and 56-60 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 52-54 and 56-60 is/are rejected.  
 7) Claim(s) 55 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 52-60 are presented for the examination. Claims 1-51 are cancelled.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 52-58 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. Claims 52-58 are non-statutory because it is not tangibly embodied in a manner so as to be executable as the only hardware is in an intended use statement.

Claim 52 defines “System” in the preamble and the body of the claim recites “a script program”, “an object embedding program”. The script program and the object-embedding program appear to be software modules, which are not tangible. Therefore, claim 52 is non-statutory because it recites a system claim that comprises non-tangible embodiments.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 52-54, 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramous (US. Patent 5,896,533) in view of Pratt (US. Patent 5,564,044).

5. **As to claim 52,** Ramous teaches the invention substantially as claimed including: a computer in communications network (the network of computers in WWW 102, col 1, ln 56-67/ col 2, ln 1-19/Fig 1 b), data (data, col 2, ln 44/ col 3, ln 52-54), a insert program (Presentation mechanism object 306, col 4, ln 10-15/ ln 40-45), extracting data (data 201 is retrieved from www 206 may be drapped and dropped onto window 204, col 50-55), network server (www server 206, col 3, ln 15-67/ col 6, ln 10-67/ Fig. 2b), a computer (computer 200, Fig. 2a), an object embedding program ( OLE object linking and embedding , col 3, ln 49-55/ ln 60-67), a link to said network-based information( Picture 108 may be retrieved from www 102 through URL( uniform resource locator), col 1, ln 54-67), a link from which said object embedding program can located said insert program(Present mechanism 304 present a URL to data access Mechanism 304, col 4, ln 40-45/ the link URL from 304 to 304/Fig. 3 Presentation Mechanism 304 may be registered to appear in the menu list as “ www Document” which may be selected by the user, col 6, ln 10-15), network based information (name, addresses of objects, and files on Internet's WWW 206/ the server name and path name to the file where the object's content reside, col 3, ln 15-67), object embedding program being structured ( the Object linking and embedding technology (OLE 2.0) are extended, col 4, ln 5-11), a compound document implemented( application 202, 204, col 3, ln 15-67/ Fig. 2.a).

6. Ramos does not explicitly teach the insert program as the script program, which can extract data from one location to another location. However, Pratt teaches the insert program as the script program, which can extract data from one location to another location (the instance of AP 12 B which support object linking and embedding as implemented for example, in Microsoft windows OLE 2.0, col 6, ln 51-55/ the script 30 is then invoked through a menu pick embedded in SAP 12 b... the menu pick include a command link or script, col 8, ln 2-10/ the script 30 agent includes macros, scripting... scripting to execute a copy and paste operation between FDO 22A and SDO 22B to cop the resulting RD 26 from 22A to the identified location in SDO 22 B, col 8, ln 10-17 ).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ramous and Pratt because Pratt's the script program, which can extract data from one location to another location would improve the performance of Ramous' system by executing a script to provide the data in the richest compatible data format to the second application.

8. **As to claim 53,** Pratt teaches link from with said object embedding program can locate said script program comprising a direct link to said script program (col 8, ln 2-10/ ln 12-17).

9. **As to claim 54,** Ramous teaches link to said network based information (col 50, ln 50-55/ Fig. 26).

10. **As to claim 56,** Ramous teaches link comprises a universal resource locator (col 6, ln 10-15).

11. **As to claim 57,** Ramous teaches compound document (applications 202, 204, col 3, ln 15-67/ Fig. 2.a).

12. As to claim 58, Ramous teaches network based information is a page of information (col 2, ln 13-15).

13. As to claims 59, 60, they are apparatus claims of claim 1; therefore, it is rejected for the same reason as claim 1 above.

#### **Allowable Subject Matter**

14. Claim 55 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

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December 7, 2005



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